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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,834	01/15/2004	Jim Bumgardner	PD 1321.02 US	1833
30439	7590	09/28/2004	EXAMINER	
DVA / PIONEER DIGITAL TECHNOLOGIES SUITE 200 2355 MAIN STREET IRVINE, CA 92614			VENT, JAMIE J	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/707,834	Applicant(s) BUMGARDNER ET AL.	
	Examiner Jamie Vent	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/15/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/15/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,3,4,5,6,8,9,10,11,12,13,15,16,17,18,19, and 20, are rejected under 35 U.S.C. 102(b) as being unpatentable by Knudson et al (US 6,141,488).

[claims 1, 8, & 15]

In regard to Claims 1, 8, and 15, Knudson et al discloses a video recorder which has a method for transferring a broadcast signal to a storage device with an additional computer program comprising:

- Receiving instructions to transfer one or more timeslots on one or more channels to said storage device (Figure 3 receives various instructions regarding various timeslots and channels from the user who receives information about the timeslots and channels from Figure 2);
- Determining if said instructions cause a conflict (Figure 3 Element 70 a conflict is determined);
- Determining one or more solutions to said conflict (Figure 3 Elements 72, 74, and 76 are solutions to the conflict);
- Providing a user an opportunity to choose one of said solutions to said conflict (Figure 3 Element 72 and 74 allows user to choose solution to conflict); and
- Resolving said conflict automatically, if said user does not choose one of said solutions (Figure 3 Element 76 no response from user prompts system to automatically resolve conflict).

[claims 2, 9, & 16]

In regard to Claims 2, 9, and 16, Knudson et al discloses a step of determining one or more solutions comprising:

- Determining first type for first timeslot (Figure 4 Channel 4 shows the first timeslot between 2:59 and 4:03); and
- Determining second type for a second timeslot (Figure 4 Channel 5 shows the second time slot between 4:03 and 5:03.)

[claims 3, 10, & 17]

In regard to Claims 3, 10, and 17, Knudson et al discloses the first type is an automatically extended time slot and said second type is not an automatically extended time slot, further comprising, choosing second type as having higher priority (Figure 4 Element 82 shows the

buffer segment/automatically extended time slot while second type does not have a buffer segment/automatically extended time slot as seen in Element 84. Priority is given to the second type which is truly set to begin at 4:00, as seen in Figure 5, where priority of the first three minutes is given to the second timeslot that does not have a buffer segment/automatic extended time slot).

[claims 4, 11, & 18]

In regard to Claims 4, 11, and 18, Knudson et al discloses the first type is a user extended lead time slot and said second type is a core time slot, further comprising, choosing said second type as having higher priority (Figure 5 shows a user extended lead time in Element 90 while a core time slot is seen in Element 88. As seen in from Figure 4 to Figure 5 the core time slot has a higher priority over the user extended lead time slot, Element 90).

[claims 5, 12, & 19]

In regard to Claims 5, 12, and 19, Knudson et al discloses the first type is a user extended trail time slot less than a fixed interval and said second type is a core time slot, further comprising choosing said second type as having higher priority (Column 7 Lines 45+ states when the one-minute buffer segments/user extended trail time slots allow for recording of the program in its entirety; however, it can cause the beginning of the second program's core time slot to be lost until the buffer is complete. As seen in Figure 5, the system eliminates the trailing buffer/user extended trail time slot of a fixed interval when recording consecutive programs in order to allow complete recording of the second type and giving the core time slot priority.)

[claims 6, 13, & 20]

In regard to Claims 6, 13, and 20, Knudson et al discloses that transferring a broadcast signal to a storage device further comprises:

- Obtaining and examining each timeslot (Figure 7a Element 102);

- Establishing cumulative priority for each of said solutions based on each timeslot (Figure 7a Element 104); and
- Determining and choosing one or two lowest priority solutions to said conflict based on cumulative priority and present to user (Figure 7a Elements 106 and 108).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 14, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al (US 6,141,488) in view of Barton et al (US 6,233,389).

[claims 7, 14, & 21]

In regard to Claims 7, 14, and 21, Knudson et al discloses a step of determining if said instructions cause a conflict comprises:

- Determining a second number of timeslots to be transferred to said storage device (Figure 3 receives various instructions regarding various timeslots and channels from the user who receives information about the timeslots and channels from Figure 2 thereby determining additional timeslots to be transferred to the storage device as described in Column 7 Lines 40+);
- Determining a conflict exists if said first number is less than said second number (Figure 4 shows a conflict in recording between channel 4 and 5. It is determined that the first program Figure 4 element 82 has less priority (a lesser number) over

element 84 therefore, allowing the second program to record the entire program as seen in Figure 5 elements 86 and 88 and described in Column 7 Lines 58-67 and Column 8 Lines 1-5);

However, lacks to disclose a method of determining a first number of tuners available in the system. Barton et al discloses a scheduling system incorporating multiple inputs as seen in Figure 2 elements 201-204. As further described in Column 4 Lines 15-23 it is determined how many multiple input sections (tuners) are present in the system by the media switch 205. By incorporating multiple tuners allow for the capability of recording multiple programs from multiple channels at the same program time.

Therefore, it would be obvious to one skilled in the art at the time of the invention to have a storage device with conflict resolution of programming of channels, as disclosed by Knudson et al, and incorporate a system which has a multiple inputs (tuners), as disclosed by Barton et al.

Conclusion

The prior art made of record and not relied upon are considered pertinent to applicant's disclosure. The following references is considered of significant interest to the application:

- Alexander et al (6,177,931);
- Berstis (6,564,000); and
- Bumgardner et al (6,760,537)

Contact Information

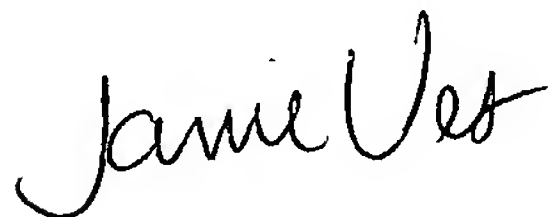
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 703-305-0378.

The examiner can normally be reached on 7:30am-5:00pm.

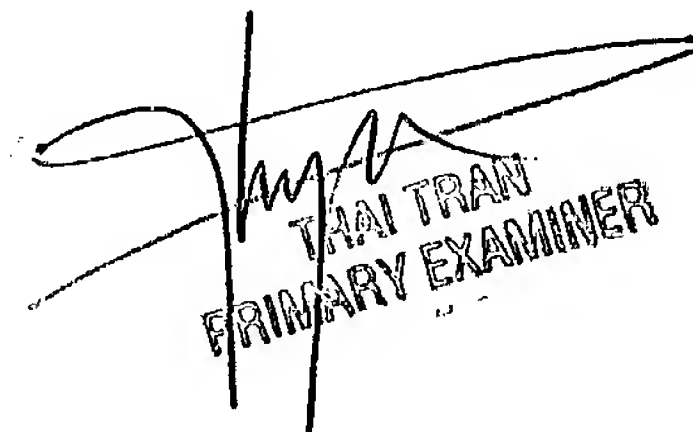
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 703-305-4725. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jamie Vent



THAI TRAN
PRIMARY EXAMINER